Application No.: 09/740,288 Docket No.: BB1429 US NA

REMARKS

Claims 6-8, 16-20, 22, and 23 have been canceled; claims 1-5, 14, and 21 have been amended; and claims 24-26 have been added. Thus, claims 1-5, 9-15, 21, and 24-26 are pending.

Claims 24-26 have been added to secure enhanced protection for Applicants' invention. Claim 24 is supported, for example, in the specification at page 16, lines 22-27. Claim 25 is supported, for example, in the specification at page 29, lines 3-6. Claim 26 is supported, for example, in the specification at page 18, lines 12-23. No new matter is added.

The Office Action requires restriction to one of Groups I-IV and election of a single plant species selected from barley, maize, prickly poppy, soy bean, and wheat-common. Applicants hereby elect Group I and the nucleotide/amino acid sequences of SEQ ID NOs:21/22 and 23/24 from maize. This election is made without traverse. The claims as amended herein are directed to the elected invention. Applicants reserve the right to prosecute the non-elected inventions in separate applications.

Please charge any requisite fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,

PAUL D. GOLIAN

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REGISTRATION NO. 42,591

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Dated: 2/4/02

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FEB 2 8 2002

TECH CENTER 1600/2900

VERSION WITH MARKINGS TO SHOW CHANGES MADE

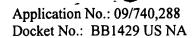
In showing the changes, deleted material is shown as brackets, and inserted material is shown underlined.

IN THE CLAIMS:

- 1. "amended" An isolated polynucleotide comprising:
- (a) a nucleotide sequence [that encodes (1) a first] encoding a polypeptide [of at least 52 amino acids, the polypeptide] having biotin synthase activity, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:22 or 24 have [a sequence identity of] at least 85% sequence identity based on the Clustal alignment method [of alignment when compared to a second polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, and 16, or (2) a third polypeptide of at least 100 amino acids, the polypeptide having a sequence identity of at least 85% based on the Clustal method of alignment when compared to a fourth polypeptide selected from the group consisting of SEQ ID NOs:18, 20, 22, 24, 26, 28, 30, and 32], or
- (b) the complement of the nucleotide sequence, wherein the complement and the nucleotide sequence contain the same number of nucleotides and are 100% complementary.
- 2. "amended" [A] <u>The polynucleotide [sequence]</u> of Claim 1, wherein the <u>amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:22 or 24 have [sequence identity is] at least 90% <u>sequence identity based on the Clustal alignment method</u>.</u>
- 3. "amended" [A] <u>The polynucleotide [sequence]</u> of Claim 1, wherein the <u>amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:22 or 24 have [sequence identity is] at least 95% <u>sequence identity based on the Clustal alignment method</u>.</u>
- 4. "amended" The polynucleotide of Claim 1 wherein the [first is selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, and 14, and the third polypeptide is selected from the group consisting of SEQ ID NOs:16, 18, 20, 22, 24, 26, 28, 30, and 32] polypeptide comprises the amino acid sequence of SEQ ID NO:22 or 24.
- 5. "amended" The polynucleotide of Claim 1, wherein the [polynucleotide comprises a] nucleotide sequence [selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, and 31] comprises the nucleotide sequence of SEQ ID NO:21 or 23.
 - 6. "canceled"
 - 7. "canceled"
 - 8. "canceled"
 - 14. "amended" A method for producing a nucleic acid molecule comprising
 - (a) selecting a polynucleotide of Claim 1, and
- (b) synthesizing a nucleic acid molecule, containing the nucleotide sequence of the polynucleotide.

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- 16. "canceled"
- 17. "canceled"
- 18. "canceled"
- 19. "canceled"
- 20. "canceled"
- 21. "amended" A chimeric gene comprising the polynucleotide of Claim [6] $\underline{1}$ operably linked to at least one suitable regulatory sequence.
 - 22. "canceled"
 - 23. "canceled"
 - 24. "added"
 - 25. "added"
 - 26. "added"